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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUN 20 AM 9:35

UNITED STATES OF AMERICA, Plaintiff, v. **Gabriel MURILLO-Montes** Defendant.	Magistrate Case No. '08 MJ 1899 COMPLAINT FOR VIOLATION OF: YNH Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **April 13, 2008**, within the Southern District of California, defendant, **Gabriel MURILLO-Montes,** an alien, who previously had been excluded, deported and removed from the United States to Honduras, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **June 2008.**

UNITED STATES MAGISTRATE JUDGE

HC

PROBABLE CAUSE STATEMENT

On April 13, 2008, the defendant identified as **Gabriel MURILLO-Montes,** was arrested in San Diego, California by the San Diego Police Department on numerous charges including violation of Vehicle Code 10851 "TAKE VEHICLE W/O OWNERS CONSENT" and booked into San Diego Central Jail. On April 13, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Honduras and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 19, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Honduras having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about May 24, 2006 and physically removed to Honduras on or about June 20, 2006 via the Los Angeles, International Airport. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Gabriel MURILLO-Montes, a citizen and national of Honduras. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.